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MARY C. HAMILTON.

[To accompany Bill H. R. No. 518.]

APRIL 17, 1858.

Mr. ROBBINS, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Mary C. Hamilton, widow of Captain Fowler Hamilton, report:

That they have examined the same, and beg leave to adopt as a part of their report the report made by the Committee on Pensions in the Senate at the 1st session of the 33d Congress.

IN SENATE, *January 24, 1853.*

Mr. STOCKTON made the following report on the petition of Mrs. Mary C. Hamilton:

That the petition of Mrs. Hamilton, verified by her oath and sustained by ample testimony on file in the War Department, details fully the meritorious services of Captain Hamilton and the causes which produced his untimely death.

Captain Hamilton, it appears from the rolls, was appointed a second lieutenant of dragoons on the 1st of July, 1840; promoted first lieutenant 31st August, 1843; appointed major in the 10th infantry April 9, 1847; and promoted to lieutenant colonel in the 16th infantry May 23, 1848. On disbandment of this regiment at the close of the Mexican war, he was reappointed in his former position of first lieutenant 2d dragoons August 5, 1848, under 4th section of act of July 19, 1848; promoted captain of 2d dragoons July 25, 1850, and died August 8, 1851, on the El Paso road, while in discharge of the duties of the service.

It appears that Captain Hamilton served with distinction in the Florida war, and throughout the Mexican war. During the latter war he rose by rapid promotion to the rank of lieutenant colonel. Such was the admiration and respect for his gallant services in that war, that the legislature of New Jersey, (his native State,) February

8, 1849, presented him a sword inscribed "For gallant conduct displayed in the battles of Palo Alto, Resaca de la Palma, and Monterey, at Vera Cruz, and the Bridge of Madeline." During his service in the Mexican war his leg was broken by the kick of a horse, the wound from which never having healed entirely, co-operating with a chronic diarrhea, there also contracted, greatly debilitated his strength and undermined his constitution.

In August, 1851, on the frontier of Texas, while in pursuit of a band of marauding Indians, he died suddenly of exhaustion, produced by the exposure and hardship of the expedition, operating on a constitution already enfeebled from the hardships and injuries of previous service.

He died, as testified by Major Merrill, his commanding officer, under whose orders he was acting, "in the field, and in the discharge of his duty, and I am satisfied (Major M. says) that the expedition was the *direct cause of his death.*"

The deceased has left a widow and child in indigent circumstances, and your committee think that they should be indemnified for the irreparable loss of the husband and father, whose life was sacrificed in the service of the country, and in the line and discharge of duty.

If Captain Hamilton had died of wounds received in battle with the Indians, his widow, under the existing laws, would be entitled to a pension. Your committee are of opinion that her case is fully within the *reason* and *spirit* of the pension laws, though, strictly construed, not within their letter. It belongs to Congress to remedy the defect of those laws when inadequate to relieve cases justly within the scope of the humane purposes to which they owe their enactment.

Your committee, therefore, report the accompanying bill, and recommend its passage.

They would also beg leave to refer to the following extract of an official letter from the Commissioner of Pensions, addressed to the Hon. George W. Jones, chairman of the Committee on Pensions in the Senate, February 18, 1858:

"Captain Hamilton's gallant services to his country have been recognized by Congress in the passage of the act of March 1, 1854, for the relief of his widow, and as it does not seem practicable to make further provision for her by a general bill, I would suggest that the granting of her present prayer would not be inconsistent with the legislation of Congress in a few other somewhat similar cases."

Your committee report a bill extending her pension for a period of five years from the date of the passage of said bill.



